

REMARKS

Claims 22-40 were presented and examined. In response to the Office Action, Claims 22, 27, 31 and 37 are amended, and no claims are cancelled or added. Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

I. Examiner Interview Summary

The Applicants acknowledge with appreciation the Examiner's granting of an interview with Applicants' representative Dimitri Kirimis via telephone. During the interview, the Office Action of June 8, 2010 was discussed. The Examiner agreed that amending claim 22 to recite "wherein the multiplexed stream includes: viewpoint information including a viewpoint information flag representing a value corresponding to the number of view points that the packetized elementary stream provides; and display discrimination information including a display mode that the packetized elementary stream provides and is selected by a user from a set of display modes prior to the display discrimination information being included in the multiplexed stream" (emphasis added) would overcome the art of record and the art that was applied. The Examiner further agreed that adding similar elements to independent claims 27, 31, and 37 would also overcome the art of record and the art that was applied. No other agreements were reached during the interview.

II. Rejections under 35 U.S.C. § 103

Claims 31-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,574,423 issued to Oshima et al. ("Oshima") in view of U.S. Patent No. 7,035,453 issued to Liu ("Liu"). Claims 22-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Oshima in view of Liu and U.S. Patent 6,052,343 issued to Yamanaka ("Yamanaka").

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are

consistent with the proper “functional approach” to the determination of obviousness as laid down in Graham).

In regards to the rejection of claim 22 under 35 U.S.C. § 103, this claim has been amended to recite “wherein the multiplexed stream includes: viewpoint information including a viewpoint information flag representing a value corresponding to the number of view points that the packetized elementary stream provides; and display discrimination information including a display mode that the packetized elementary stream provides and is selected by a user from a set of display modes prior to the display discrimination information being included in the multiplexed stream” (emphasis added). These amendments are supported, for example, by paragraph [0086] of the Specification as filed. Analogous amendments have been made to independent claims 27, 31, and 37.

In the Office Action, the Examiner inferred that these new elements were not disclosed by the prior art. See Office Action, Page 10. During an Examiner Interview, the Examiner acknowledged that Oshima, Liu, and Yamanaka fail to disclose these elements of amended claims 22, 27, 31, and 37. Accordingly, Oshima, Liu, and Yamanaka cannot maintain a rejection under 35 U.S.C. § 103. The Applicants respectfully request reconsideration and withdrawal of the rejection of claims 22, 27, 31, and 37 on this basis.

In regards to claims 23-26, 28-30, 32-36, and 38-40, these claims depend from independent claim 22, 27, 31, and 37, respectively, incorporate the limitations thereof. The Examiner’s argument assumes that the combination of Oshima, Liu, and Yamanaka discloses all elements of claims 22, 27, 31, and 37 which are incorporated in dependent claims 23-26, 28-30, 32-36, and 38-40. However, as discussed above, the combination of Oshima, Liu, and Yamanaka does not disclose all the limitations of amended claims 22, 27, 31, and 37. Thus, the combination of Oshima, Liu, and Yamanaka fail to disclose each element of amended claims 23-26, 28-30, 32-36, and 38-40 and cannot maintain a rejection under 35 U.S.C. § 103. The Applicants respectfully request reconsideration and withdrawal of the rejection of claims 23-26, 28-30, 32-36, and 38-40 on this basis.

CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. The Commissioner is hereby authorized to charge our Deposit Account No. 02-2666 for any fees due in connection with the filing of this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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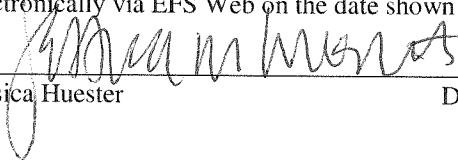
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Date

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